



Washington State Office of Civil Legal Aid

**REPORT AND RECOMMENDATIONS  
OF THE CIVIL LEGAL NEEDS  
SCOPING GROUP**

**DECEMBER 2012**

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## EXECUTIVE SUMMARY

In September 2003, the Washington Supreme Court's Task Force on Civil Equal Justice Funding published its Civil Legal Needs Study (2003 Study), which for the first time documented the unmet civil legal needs of low and moderate income Washingtonians. The 2003 Study described the substance and prevalence of the civil legal problems experienced by low income individuals, families and communities, the degree to which necessary legal assistance was available, and the consequences experienced by those unable to timely secure civil legal assistance. The Study's findings were striking. They galvanized a decade-long effort to expand public support for civil legal aid within the context of a new, non-partisan judicial branch administrative infrastructure.

Much has changed in the ten years since the 2003 Study's publication. There have been substantial changes in the demographics of low income individuals and families, the substantive laws and legal frameworks that affect low income people, governmental policies affecting the poor and technology-based practices that adversely affect the ability of low income individuals to access necessary services and secure health care, housing, credit and employment. Like the rest of the Nation, Washington State was hit hard by the Great Recession of 2008-09 and the catastrophic loss of jobs which drew hundreds of thousands of residents into the ranks of the poor. Our housing markets collapsed, resulting in a foreclosure crisis fueled in part by high risk, predatory lending and perpetuated by across-the-board declines in pre-recession housing values. New legal problems emerged, many of which were experienced by individuals and families who, until the Great Recession hit, had been hard working members of the middle class.

Ten years have passed since the data were gathered for the 2003 Civil Legal Needs Study. Given the changes that have occurred over the past decade, the Washington State Office of Civil Legal Aid, in consultation with the Washington Supreme Court's Access to Justice Board, convened a broad-based, diverse group of leaders to explore (a) whether it was necessary to conduct a new or updated assessment of the civil legal needs of low income people and, if so, (b) the focus, scope and methodology that should be employed in undertaking such an assessment. This Civil Legal Needs Scoping Group met through the summer and fall of 2012. Its principal recommendations, more fully developed below, are that:

- It is important to update our understanding of the nature, gravity and consequences of legal problems that low income people face in Washington State
- The 2003 Civil Legal Needs Study should serve as the baseline reference point for such an update

- The update should document legal barriers that prevent low-income individuals and families from successfully participating in society
- The update should document the value to low income individuals, families and communities resulting from the ability to secure civil legal aid
- A two-stage approach should be employed – (a) facilitated focus groups that are representative of key demographic constituencies and (b) a detailed survey of low income Washingtonians
- The update should be conducted through the coordinated efforts of the Washington State Office of Civil Legal Aid and the Washington State Center for Court Research, working under a bipartisan, blue ribbon panel co-chaired by a Supreme Court Justice, a current or recent member of the bipartisan Civil Legal Aid Oversight Committee and a representative of the Supreme Court’s Access to Justice Board

## **1. Background**

### **A. 2003 Civil Legal Needs Study**

In September 2003, the Washington Supreme Court’s Task Force on Civil Equal Justice Funding published the first ever assessment of unmet civil legal needs of low and moderate income Washingtonians. The [2003 Civil Legal Needs Study](#) was the product of three years of coordinated effort on the part of many organizations operating under the Task Force’s umbrella.

The Study chronicled the prevalence and substance of the civil legal problems experienced by low and moderate income people, commonalities and differences between the problems experienced by members of different demographic groups and subgroups, differences between problems experienced by low and moderate income households, the degree to which legal assistance was available to those experiencing civil legal problems, and the impact that civil legal assistance (and the lack thereof) had on an individual’s ability to effectively resolve their legal problem(s) and on their respect for the civil justice system as a whole.

The 2003 Civil Legal Needs Study consisted of three components: (1) a field study of 1333 individual low income responders across the state; (2) a random digit telephone study (land lines) of 810 low and moderate income respondents; and (3) a survey of stakeholders groups and organizations (bench, bar, courthouse facilitators, social and human services providers, legal aid organizations, etc.). The field study was coordinated through the Department of Sociology at Portland State University. The telephone survey was conducted by the Social and Economic Research Services Center at Washington State University. The stakeholder

survey was conducted by Task Force staff. Information was gathered from study participants from July 2002 through February 2003.

The results of the 2003 Civil Legal Needs Study were striking. Among the key findings were:

1. More than three-quarters of all low income households experienced at least one civil legal problem for which legal help was indicated; of these, nearly nine in ten were unable to obtain the civil legal help they needed.
2. Legal help was most available for individuals with family related legal problems (nearly 30%), and was least available for individuals with civil legal problems involving housing (9.8%), employment (7.5%), health care (5.1%) and the availability of public and municipal services (3.3%).
3. Problems involving housing, family relationships, employment, consumer issues and access to health care and public benefits were most prevalent, making up a combined 78% of all civil legal problems experienced by low income households. Issues involving discrimination and disparate treatment were prevalent in a substantial percentage of legal problems in the areas of employment, health, access to public and municipal services, consumer and housing.
4. Farmworkers, individuals with disabilities, Native Americans, persons living in long term care facilities and homeless individuals were least likely to secure civil legal help, while seniors, domestic violence survivors and recent immigrants were most able to secure legal help. No group was able to secure legal help more than 25% of the time.
5. Women and children experienced substantially more civil legal problems than the general population. Members of different demographic groups experienced disproportionately more of certain types of legal problems than the general population.
6. Legal assistance made a difference in both resolving the problem and promoting respect for the justice system. Those unable to get legal help ended up living with the consequences of the legal problem, were substantially dissatisfied with the outcome of the situation and had a “very negative” view of the justice system. Those able to secure legal help were generally satisfied with the outcome in their cases and had a positive view of the justice system.

Publication of the Civil Legal Needs Study was accompanied by the simultaneous publication of an objective assessment of what it would cost to address the civil legal needs of those who had a need for civil legal assistance in the areas of the study’s substantive focus. All of the materials relating to the Civil Legal Needs Study can be found at:

<http://www.courts.wa.gov/newsinfo/index.cfm?fa=newsinfo.displayContent&theFile=content/ResourcesPubsReports>

## **B. Changes Resulting From the 2003 Civil Legal Needs Study**

In response to the final recommendations presented by the Task Force on Civil Equal Justice Funding (May 2004), the Washington State Legislature established an independent judicial branch agency – the Office of Civil Legal Aid – to administer and oversee state appropriations dedicated to the provision of civil legal aid services to indigent persons. The Legislature also established a bipartisan Civil Legal Aid Oversight Committee to ensure effective and ongoing oversight of the Office of Civil Legal Aid.

Among the functions assigned to the Office of Civil Legal Aid is the responsibility to “report biennially on the status of access to the civil justice system for low-income people eligible for state-funded legal aid.” [RCW 2.53.020\(3\)\(c\)](#). Biennial reports documenting client demand and service statistics were published by the Office of Civil Legal Aid in September 2009 and September 2012.<sup>1</sup>

In addition to creating an administrative framework for administration and oversight of state legal aid funding, the Legislature responded to the findings of the 2003 Civil Legal Needs Study by substantially increasing state level appropriations for civil legal aid services. Biennial funding increased from \$12.6 M in FY 2004-05 to \$23.6 M in FY 2012-13. Statewide infrastructure and support for the civil legal aid system, including the centralized statewide legal education, advice and referral system (known as CLEAR) was enhanced. Geographic access was expanded, with small legal aid offices opening in rural and remote regions of the state<sup>2</sup> that had not seen local legal aid services in more than 30 years. Client service levels increased, volunteer legal services expanded, and progress began to be achieved in closing the “Justice Gap” documented by the Civil Legal Needs Study.

Unfortunately, many of the gains were short-lived, and recent years have witnessed substantial contraction in the system’s aggregate capacity to deliver services to clients. Because of the recession and the sustained period of historically low interest rates, legal aid funding generated from interest on lawyer trust accounts (IOLTA) has dropped from historical levels of \$7 million per year, to less than \$2 million per year during 2009-2011. State funding for legal aid has remained relatively constant over this time period. While small increases in federal funding were realized in 2009 and 2010, these have been lost due

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<sup>1</sup> These reports are found at: <http://www.ocla.wa.gov/reports.html>

<sup>2</sup> Between 2007 and 2008, small legal aid offices opened in Colville (serving Ferry, Stevens and Pend Oreille Counties), Walla Walla (serving southeast Washington), Longview (serving Cowlitz and Wahkiakum Counties) and Aberdeen (serving Grays Harbor and Pacific Counties).

to a combined 17% reduction in congressional appropriations for the federal Legal Services Corporation over the past two federal fiscal years. Today, aggregate funding in actual dollars from the three primary sources (state, federal, IOLTA) is about \$1.5 million (or about 7.5%) less per year than what it was in 2005.

As a consequence of these funding challenges, client service staffing levels at the state and federally funded Northwest Justice Project dropped by 18.5 FTE attorneys (18%) between 2010 and 2012. Volunteer and specialized providers that relied on IOLTA funding as a principal source of operating revenues, experienced similarly deep cuts and client service capacity reductions. Rural offices that had been opened with staffing levels of three attorneys are down to just one, and offices serving urban and regional centers are operating with an average ratio of 1 legal aid attorney for every 20,000 eligible clients. Reflecting these trends, client service levels dropped between FY 2010 and FY 2012, just at the time that new demand driven by the Great Recession peaked.

### **C. The Need for an Updated Assessment of Civil Legal Problems**

Data developed for the 2003 Civil Legal Needs Study were obtained more than 10 years ago. Since then, Washington State has experienced significant demographic changes, many of which are chronicled in the 2010 Census and annual updates published by the Census Bureau through its American Community Survey (ACS) and Small Area Income and Poverty Estimates (SAIPE).

According to the 2000 federal census 815,000 individuals were living at or below 125% of the Federal Poverty Level (FPL).<sup>3</sup> According to the most recent 5-Year American Community Survey data (2010), there are now 1,023,264 individuals living at or below 125% FPL – an increase of 25%.<sup>4</sup> In addition to changes in the absolute number and percentage of people living in or near poverty,<sup>5</sup> there has been substantial migration into and within the state amongst a wide range of demographic groups and subgroups.

Demographic changes have been similarly significant for counties and cities. Recent Census reports confirm that the expanding and deepening level of poverty disproportionately affects areas with high migrant, ethnic and minority populations. In 2010, three counties

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<sup>3</sup> The Federal Poverty Level provides a uniform, income-based standard to assess whether a household is living in poverty. The 2012 standards are found at: <http://aspe.hhs.gov/poverty/12poverty.shtml#guidelines>

<sup>4</sup> Note that the mid-year point of the 2010 five-year ACS analysis is 2008, which marked the on-set of the Great Recession. Thus, the numbers are likely well below actual 2010 levels. According to the [one-year ACS](#) for 2011, 13.9% of all Washingtonians live at or below 100% of the FPL.

<sup>5</sup> According to the Census Bureau, 10.6% of Washingtonians lived in poverty in 1999; that number jumped to 13.4% in 2010.

(Benton, Franklin and Yakima) had majority minority populations. As outlined in a recent presentation by Office of Financial Management demographer Erica Gardner at the 2012 Access to Justice/Bar Leaders Conference, these trends are accelerating and will have long term consequences at the local, regional and statewide level.<sup>6</sup>

Circumstances facing low and moderate income people in Washington State are markedly different than they were during 2002-03 when field work was completed for the 2003 Civil Legal Needs Study. New problems have arisen for low-income individuals and families. These new problems arise from changes in the economy, population demographics, government policy, the misuse of data and information and new practices that target and take advantage of low income individuals and families.

The economic contraction that began in 2007 and 2008, and other structural changes to the economy have stalled job growth, increased unemployment, and severely limited employment opportunities for job seekers. While the overall state unemployment rate remains near 8% and more than 270,000 Washingtonians remained unemployed in November 2012, unemployment rates are substantially higher for low-income individuals, families and communities.<sup>7</sup> Compounding this is the recent expiration of extended unemployment insurance benefits for thousands of Washingtonians.

The welfare-to-work shift in policy at the national and state levels, fully implemented over the past decade, requires low income people to make their way in the private economy at the same time that public and private data mining practices operate to limit access to employment, credit and lending, and housing. Income-related differences in access to technology and information divide society into information “haves” and “have-nots,” with important consequences for finding economic opportunity, navigating government and private bureaucracies, access to education, and the exercise of basic rights and prerogatives. Finally, new private sector practices have emerged that target and take advantage of low income individuals and families. All of these changes to the economy, demographics, government policy, use of information and predatory practices have led to new types of legal problems and associated legal needs.

Crucial decisions relating to client service system design, operation and resource deployment should be made on good information. The [Alliance for Equal Justice](#) is an

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<sup>6</sup> This presentation can be found on the OCLA [website](#).

<sup>7</sup> Bureau of Labor Statistics, Employment status of the civilian noninstitutional population by sex, race, Hispanic or Latino ethnicity, marital status, and detailed age, 2011 annual averages, <http://www.bls.gov/lau/table14full11.pdf> at 77 of 82.

integrated client-service enterprise, comprised of individual civil legal aid programs across the state working together to address the civil legal problems experienced by low income people within the framework of expectations established by the Washington State Supreme Court's [Access to Justice Board](#). These programs are faced with making difficult decisions of lasting impact regarding the focus of their activities, including the type of problems that they should place as the highest priority for various levels of legal assistance. These decisions are informed by work done regularly at the programmatic and regional levels to informally assess client community needs and establish client service priorities. While important and effective in helping programs prioritize their client service efforts, these efforts are, by their very nature, limited in scope and wanting in depth of analysis.

The Access to Justice Board's [Delivery Systems Committee](#) recently affirmed the need to undertake a comprehensive assessment of the legal problems experienced by low income people and communities and to take the necessary steps to ensure the ongoing effectiveness of the services provided by Alliance programs to the people and communities they are dedicated to serving. Given its statutory charge to monitor and report regularly on the status of access to the civil justice system for low income people, the Office of Civil Legal Aid has agreed to take lead responsibility in this effort.

## **2. The Civil Legal Needs Study Scoping Group**

In the spring of 2012, the Office of Civil Legal Aid sought and secured authority to engage the [Washington State Center for Court Research](#) (WSCCR) to help facilitate a scoping process designed to determine the purpose, scope, focus and methodology that will be used to update our understanding of the civil legal problems experienced by low income Washington State residents. A 16-person Civil Legal Needs Scoping Group (Scoping Group) was convened to guide this effort. Members of the Scoping Group were recruited from a wide array of organizations, with the goal of bringing a diverse and expansive range of perspectives and competencies to this initial discussion. Below is a list of Scoping Group members.



Name	Organizational Affiliation	Interests Represented	Geographic Region
Joan Kleinberg	Northwest Justice Project, Director of Strategic Initiatives	General Legal Aid Delivery; Statewide Perspective	Urban, Seattle
Richard Harrison	Northwest Justice Project, Board of Directors	Eligible client, consumer of governmentally funded services, active with Seattle Housing Authority Tenants Council	Urban, Seattle
Rita Ryder	YWCA of Seattle-King-Snohomish Counties; 5-State Pacific NW Region Council	Human and social services affecting women and children and minorities, with a Puget Sound and greater Pacific Northwest geographic focus	Urban, Seattle
Aiko Schaffer	Access to Justice Board, University of Washington School of Social Work	Poverty action and low income community empowerment groups	Urban, Seattle
Maurice Classen	King County Prosecuting Attorney	Civil-criminal interface; collateral consequences; non-profit effectiveness and strategic orientation; outcomes measurement	Urban, Seattle
Elizabeth Fry	Access to Justice Board; Colville Tribe	Reservation-based Native American issues and interests; knowledge of statewide legal aid system	Rural, North Central Washington
Pamela Banks	Urban League of Municipal King County	Urban issues facing minority populations, including African Americans	Urban, Seattle
Ninfa Quiroz Ledesma	SeaMar Community Health Centers	Low-income multi-purpose, statewide health and human service provider	Puget Sound region
Dr. Robert Chang	Seattle University School of Law; Korematsu Center	Law schools, race and justice issues	Urban, Seattle
Cecile Greenway	Regional Office of US HHS	Extended understanding of health and human services, tribal-state relations, civil legal aid delivery, planning and assessment	Pierce County, Olympic Peninsula
Sally Pritchard	Vice-President for Community Impact, Spokane United Way	Youth, including youth involved in the juvenile justice and foster care systems	Eastern Washington, Spokane County
Brenda Carlstrom	Columbia Legal Services Board of Directors	Civil legal aid, client service delivery	Rural Western WA
Dr. Sandra Madrid	Minority and Justice Commission	Law schools, Minority and Justice Commission	Seattle
Laura Contreras	Gender and Justice Commission	Migrant and immigrant women, children, families; understanding of civil legal aid; cultural competency and sensitivity	Rural, Yakima Valley
Jesse Magaña	Civil Legal Aid Oversight Committee	Oversight Committee, Southwest Washington, Persons with Disabilities	Vancouver/SW WA
Gail Stone	King County Executive, Law and Justice Policy Advisor	King County, Civil Legal Aid, State-Local relations	King County

In addition to those listed, the Scoping Group received the benefit of contributions from two students from Seattle University School of Law, Sarah Haywood and Trice Anderson.

Scoping Group members reviewed the 2003 Civil Legal Needs Study, legal needs studies from other states and other relevant information. An extended in-person meeting was held in mid-August and was facilitated by WSCCR Manager Dr. Carl McCurley, PhD. Additional meetings were held by teleconference. An internal website was created to allow for the review, comment and editing of materials, including early drafts of this report.

### **3. Civil Legal Needs Study Scoping Group Recommendations**

#### **A. 2003 Study to Serve as Baseline Point of Reference**

The Scoping Group determined that the 2003 Civil Legal Needs Study should serve as a baseline reference point for understanding changes and trends in the civil legal problems experienced by low income people, their access to necessary civil legal assistance and the benefits resulting from providing such access. Information and analysis gained in this assessment should be measured against the findings of the 2003 study.

The study update should include a section providing an update on civil legal aid during the period since publication of the 2003 study. This section should document changes in policies, funding levels, demand and service trends and the civil legal aid service delivery system itself that occurred since the 2003 study. The section should also incorporate information related to whether, and to what degree, these changes were effective in responding to the needs identified in the 2003 study.

#### **B. Principal Study Objectives**

The Scoping Group identified the following objectives for the 2013-14 update to the 2003 Civil Legal Needs Study:

1. Expand understanding of the nature, gravity and consequences of legal problems that low-income people face in Washington State
2. Document the legal barriers that prevent low-income individuals, families and communities from successfully participating in society
3. Identify new civil legal problems that have emerged since the 2003 study and assess the impact of those problems on low income individuals and families
4. Document the value (including economic value) to low income individuals, families and communities resulting from the ability to secure civil legal aid

5. Document the impact of changes in funding for civil legal aid services on the capacity of Washington State’s civil legal aid delivery system to meet the civil needs of low income individuals and families since the 2003 Civil Legal Needs Study
6. Serve as a basis for further discussion and strategic direction for legal aid delivery system planners, providers of civil legal aid services and other community-based organizations
7. Identify areas of compelling legal problems to which legal authority to use state-appropriated funds should be expanded

### **C. Target Audiences**

Like the 2003 Civil Legal Needs Study, the 2013-14 update will need to speak to multiple audiences and serve multiple purposes. The scoping group identified the following principal target audiences:

1. Federal, state and local governmental funders (Congress, Washington State Legislature, Counties and Cities)
2. Private supporters and investors
3. Local and statewide opinion leaders
4. Health, education, human and social services providers
5. The general public

### **D. Focus**

The 2013-14 update should provide newly-validated understandings with respect to:

1. The substance and prevalence of “persistent civil legal problems” (defined as those legal problems identified in the 2003 study and continuing as areas of high prevalence over the past decade)
2. The substance and prevalence of “newly emergent civil legal problems” (defined as those problems that have emerged incidental to changes in government policy, new information technology uses, social and demographic changes, and legal or structural systems or processes that operate to limit the ability of low income residents to meet important personal and family obligations and societal expectations)<sup>8</sup>

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<sup>8</sup> The Scoping Group discussed the contradictions between governmental policy goals that a) condition the availability of certain types of assistance on an individual’s ability to seek and secure employment, and b) impose obstacles or barriers limiting the ability of these same people to find and hold employment. Although a full exploration of these issues would be a vast expansion of the scope of the proposed study, the Scoping Group encourages study designers to explore these issues in the questions posed to respondents and in the

3. The benefits (economic and other) to individuals, families and communities resulting from the effective assertion or defense of civil legal rights and prerogatives through the timely provision of civil legal aid<sup>9</sup>
4. The degree to which there are differences in the substance and prevalence of civil legal problems for low income individuals and families based on the following identity characteristics:<sup>10</sup>
  - a. Age
  - b. Gender
  - c. Race and ethnicity
  - d. Family composition
  - e. Language
  - f. Disability (physical and cognitive)
  - g. Dependency status (e.g., minor children, persons living under legal guardianship, individuals in state care or custody)
  - h. Employment status
  - i. Native American status (enrolled or descendant)
  - j. Religious identity
  - k. National origin/identity
  - l. Immigration status
  - m. Veteran status

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framing of results from the interview and survey process. In particular, inquiries should be designed to help gain understanding on the practical operation of public laws and processes and of private sector practices on the ability of low-income individuals and family members to a) achieve in school, b) secure and maintain employment, c) maintain residential stability, and d) secure credit. Inquiries along these lines will also allow for identification of disparate impacts and consequences of governmental policy focus depending upon one's identity with one or more sub-demographic cohorts.

<sup>9</sup> The benefit of civil legal aid often depends on how it relates to individual and family goals. Some benefits are monetary in nature (e.g., successful representation to secure income assistance benefits) and can be easily quantified. Others are more qualitative and may not be intuitively understood by reference to the substantive problem itself. For example, a client seeking help to expunge a criminal conviction from long ago isn't just seeking to clear her record; she wants to be able to get a job, go to school, rent an apartment, etc.

<sup>10</sup> Although the number of groups that can be engaged is limited by time and resources, people living in poverty are the most diverse sector of society. According to the Census Bureau, substantially higher levels of poverty are experienced by racial and ethnic minorities, youth and seniors, persons with disabilities, and women—especially women who are also single heads of households. An important, if not paramount, component of the 2003 Study and any updated assessment of civil legal needs is the ability to differentiate across sub-demographic cohorts.

## 4. Methodology

The Scoping Group recommends a phased approach to exploring changes that have occurred since the 2003 study.

- Phase 1 will consist of listening sessions with target demographic audiences across the state through focus groups, community meetings, etc. These listening sessions will allow group members to identify and explore issues affecting low income individuals, families and communities and help study designers identify areas of potential problems that should be explored in more detail in the second phase
- Phase 2 will involve a detailed survey of macro- and sub-demographic target group members with surveys informed by information gained through Phase 1 listening sessions

The initial stage will involve authentic, community-based engagement with members of the target populations. These will be accomplished through a series of focus groups and other community engagement processes that are targeted both geographically and sub-demographically. The Scoping Group recommends that these conversations be guided by trusted facilitators trained to prompt discussion of problems that arise in different areas of life, including housing, employment, school, health care, credit and finances, differential treatment and discrimination, infractions, and government agency decisions. The conversations should be framed contextually and in ways that are relevant to the circumstances prevalent within the target groups. Because there is enormous diversity of civil legal problems and the underlying contexts within which they arise, follow-up and deeper inquiry will need to be focused on situations that have recognizably high levels of seriousness and/or prevalence, i.e., targeted areas of focus where the study will drill deeper into the practical and extended impact of effective civil legal aid services.

Informed by information obtained in Phase 1, Phase 2 will involve a larger scale, more focused and rigorous survey effort. Much like the 2003 study, this will be designed to provide statistically significant estimates of the prevalence and severity of distinct problem types, decisions of those affected to seek legal help or not, where help is sought, how responsive and successful that help is, and the benefits of obtaining timely civil legal aid.

New survey instruments will be developed and administered with multi-mode data collection involving some mix of phone, mail, in-person, and on-line data collection.<sup>11</sup> Each mode of data collection has advantages and disadvantages, and the mix of approaches should be tailored to the characteristics of the information being collected and the potential respondents. "Hard to reach" individuals, including youth and adults with mental health problems, veterans, people who live on the streets or in shelters, and others who face physical, cultural, linguistic and other barriers to participation, will require a special effort relying on in-person interviews. Like the Phase 1 engagements, this broader survey effort will require contacts with trusted community and opinion leaders who will be asked to endorse the effort both publicly and in writing.

Both focus groups and survey stages will need to offer compensation to respondents for their time and cooperation.

## **5. Administration**

A study of this nature will require effective oversight and professional administration. Because the results of this study will have policy implications for the Office of Civil Legal Aid, Washington State courts and others involved in providing access to the civil justice system, the Scoping Group recommends that the Washington State Center for Court Research, in partnership with the Office of Civil Legal Aid, remain involved and assume lead responsibility for design and administration of the study itself.

The credibility of the 2003 Study not only resulted from the integrity of its underlying methodology, but from the stature and credibility of those involved in overseeing the effort. The Supreme Court's Task Force on Civil Equal Justice Funding was broad-based and bipartisan. It was chaired by a sitting Supreme Court Justice. The Civil Legal Needs Study Work Group operating under the umbrella of the Task Force was chaired by a sitting Court of Appeals Judge and included diverse and bipartisan representation.

Consistent with the 2003 approach, the Scoping Group recommends that the Civil Legal Need Study Update be overseen by an inclusive, bipartisan blue ribbon panel, co-chaired by

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<sup>11</sup> The 2003 Study relied in part on a random land-line telephone survey. Because of significant changes in telecommunications technology, including the proliferation of cell and smart phone usage and the virtual elimination of the land line as a primary source of communications for low income people and members of certain racial and ethnic groups, the Scoping Group recommends that study designers exercise caution in their use of telephone surveys. Complementary strategies should be used so that the use of telephone surveys does not compromise the ability of the overall study to secure information from all key target demographic groups.

a Supreme Court Justice, a current or recent member of the bipartisan Civil Legal Aid Oversight Committee<sup>12</sup> and a representative of the Access to Justice Board.

## **6. Cost**

A study along the lines proposed will involve significant expense. Depending upon the approach employed, cost estimates for the in-depth component of the study range between \$75 and \$150 per completed interview. Preliminary estimates from the Washington Center for Court Research suggest that total expenses associated with the data gathering component of the study consistent with the outline set forth in this report could range between \$100,000 and \$150,000, depending upon the data gathering method employed and the degree to which in-kind resources can be secured through coordination with potential research partners. WSCCR and OCLA staff members are exploring potential opportunities to work with other agencies that regularly conduct interview-centered quantitative research relating to the characteristics of individuals living at or near poverty (e.g., DSHS and DOH). Potential partnerships are also being explored with relevant schools within the state's research institutions.

The Office of Civil Legal Aid will underwrite a portion of this effort. Efforts will be undertaken to secure additional funding from other sources with a common interest in the outcome of this study.

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<sup>12</sup> The Civil Legal Aid Oversight Committee was established by the Legislature to oversee the Office of Civil Legal Aid. [RCW 2.53.010](#).